

Appl. No.: 10/630,156
Amdt. Dated: 10/12/2007
Off. Act. Dated: 07/11/2007

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

1. Telephone Conference and Clarification.

The Applicant thanks the Examiner for the kindnesses extended during the telephone conference on October 12, 2007.

During the conversation, the term “laminar” was discussed, relating to the “laminar electrical contact” in the claimed invention. The Examiner agreed that Franklin does not disclose a laminar electrical contact (reference numeral 72 in the instant application) and that the bipolar separator plate in Franklin is not the same as or analogous to the laminar electrical contact of the instant invention as claimed.

In the Office Action dated December 31, 2007, the Examiner again agrees that the laminar electrical contact of the instant claims is not present in any structure shown in the Franklin reference, but requested a description of the differences between the structures to be entered into the record.

In response, the Examiner’s kind attention is directed to paragraph [0069], defining a “compliant electrode contact”, and FIGS. 9A-9P, which show various embodiments of the compliant contacts. These are the electrical contacts disclosed in Franklin, and an array of these individual spring contacts is the outward-facing surface, as shown in FIG. 5, for example. See paragraphs [0027] through [0032], describing the various arrangements of contact points.

The instant claims require a *laminar* contact to be outwardly facing, and a laminar contact is, as the Examiner notes, a thin plate. Franklin teaches that the electrical contacts are a plurality of spring ends, and not a laminar plate. The laminar contact plate does not have “contact points” like the spring ends or pins disclosed in Franklin. See reference numeral 73 in FIG. 7 of the instant application, which clearly shows that the contact is a laminar plate, and not a plurality of individual contacts.

It is further noted that the only “thin metal plate” taught by Franklin is clearly the bipolar separator plate (BSP), noted in paragraph [0075]: “The present fuel cell uses

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thin metal plate BSPs". No other thin plates are disclosed in Franklin.

It is believed that these remarks, in addition to the arguments and remarks presented on pages 7-15, in the Amendment dated January 29, 2007, are sufficient to establish the marked differences between the instant claimed invention and the teachings of the Franklin reference.

2. Summary of Independent Claims.

Each of the independent claims in the instant application recites a laminar electrical contact that is not present in the Franklin reference.

Claim 1. Claim 1 requires that the conductive laminar contact is attached to compliant members. The compliant members are attached to one side of a bipolar separator plate. A membrane electrode assembly is attached to the opposite side of the bipolar separator plate.

Claim 12. Claim 12 requires independently acting compliant members and a laminar electrical contact to be located between a bipolar separator plate and a membrane electrode assembly.

Claim 13. Claim 13, like Claim 1, requires a laminar electrical contact to be attached to flexible means for making electrical contact. The flexible means are attached to one side of a bipolar separator plate. A membrane electrode assembly is attached to the opposite side of the bipolar separator plate.

Claims 17-20. Each of these claims is directed to a fuel cell stack that includes fuel cell modules having laminar electrical contacts that are in the same configuration and orientation as those disclosed in the method Claims 13-16.

Because each of these claims includes a laminar electrical contact that is not present in the Franklin reference, the Franklin reference cannot render the instant invention, as claimed, obvious for purposes of 35 U.S.C. § 103.

3. Amendments Made Without Prejudice or Estoppel.

Notwithstanding any traversing remarks provided above, Applicants have made any and all amendments in order to expedite allowance of the currently pending subject

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matter. Applicants reserve the right to pursue the original scope of these claims in the future, such as through continuation practice, for example.

4. Conclusion.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Date: March 31, 2008

Respectfully submitted,



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